

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Walla Walla District

**FILE NUMBER:** NWW No. 051500027

**REGULATORY PROJECT MANAGER:** Gregg A. Rayner **Date:** January 3, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** N **Date:** \_\_\_\_\_  
**At the project site (Y/N)** Y **Date:** December 29, 2004

**PROJECT LOCATION INFORMATION:**

**State:** Idaho

**County:** Kootenai

**Center coordinates of site by latitude & longitudinal coordinates:** Zone:11 North:5293316 East:516887

**Approximate size of site/property (including uplands & in acres):** 620

**Name of waterway or watershed:** in an isolated stream

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream	x								
Dry Wash									
Mudflat									
Sandflat									
Wetlands					x				
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond	x								
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?				x	
Is used to irrigate crops sold in interstate commerce?				x	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary \_\_\_\_\_ Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):**

The waters on this site flow in a generally southerly direction and go subsurface. There is no discernable connection to other waters. None of the waters would support boating use; therefore there is no potential for navigation. There is no other interstate commerce connection that could be identified.